



PATENT
Customer No. 22,852
Attorney Docket No. 7787.0041-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)

Gerald W. FISCHER et al.)

Serial No.: 09/893,615)

Filed: June 29, 2001)

For: OPSONIC AND PROTECTIVE)
MONOCLONAL AND CHIMERIC)
ANTIBODIES SPECIFIC FOR)
LIPOTEICHOIC ACID OF GRAM)
POSITIVE BACTERIA)

Group Art Unit: 1631

Examiner: Marianne Allen

#13
Plunkett
11/6/02

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated October 3, 2002, the Examiner required restriction under 35 U.S.C. § 121 between Group I, claims 32-40 and 42-44, and Group II, claim 41. The sequences recited in claim 41 are the same as the sequences set forth in claims 36 and 37. Thus, Applicants do not believe that there is any undue burden on the Office to search this subject together with the subject matter of Group I. Nonetheless, Applicants provisionally elect to prosecute Group I, claims 32-40 and 42-44, drawn to a method for treating and preventing an infection by administering an antibody, with traverse.

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com

RECEIVED

NOV 05 2002

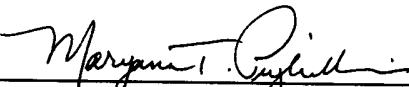
TECH CENTER 1600/2900

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 1, 2002

By: 
Maryann T. Puglielli
Reg. No. 52,138

FINNEGAN
HENDERSON
FARABOW
GARRETT &
DUNNER LLP

1300 I Street, NW
Washington, DC 20005
202.408.4000
Fax 202.408.4400
www.finnegan.com